Remarks

Restriction Requirement

Claims 1-65 (all of the claims) have been restricted under 35 U.S.C. 121. The Examiner has required Applicants to select one of the following Groups of claims for further prosecution.

I. Claims 1-30, 48-52 and 55-64 drawn to a retroreflective article.

II. Claims 31-41 drawn to a method of making a retroreflective article.

III. Claims 42-47, 53-54 and 65 drawn to a method of applying a retroreflective article.

Applicants affirm the election of the claims of Group I without traverse.

§ 102 Rejections

Claims 1-4, 9-14, 22-28,48-52 and 55-62 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,632,946 (hereinafter Bacon). Applicants believe that the following discussion will demonstrate that the Examiner has not appreciated the differences between the rejected claims and the Bacon reference.

The present invention is directed to an article that employs discrete segments of retroreflective sheeting. These segments of retroreflective sheeting are positioned, preferably removably, on a surface of the carrier. The carrier contacts the viewing surface of the retroreflective sheeting. The discrete segments of the retroreflective sheeting are independent of each other. That is, they constitute unconnected parts. Put yet another way, they are not joined to one another.

Bacon does not anticipate the claims of the invention. First, Bacon teaches only the use of discrete cube corner segments. These cube corner segments do not constitute a retroreflective sheet. At best they are but a part of a retroreflective sheet as would be understood by one of skill in the art. Thus, Bacon does not teach the use of discrete segments of retroreflective sheeting as is required in the present invention.

Second, Bacon teaches that the cube corner segments must be conformably bonded to each other. See the Abstract. See also Col. 2, lines 58-61 and Col. 3, lines 7-20. Thus Bacon teaches

that the cube corner segments are not independent of each other. The adjacent cube corner segments are either (1) separated by a gap of less than about 1 millimeter **and** bonded through a conformable carrier layer, or (2) separated by a gap which is substantially filled with a conformable resin that bonds the side walls of adjacent cube corner segments together. See Co. 3, lines 9-15. Even in the case where the cube corner segments are bonded through the conformable carrier, Bacon does not teach the use of a **retroreflective sheeting** on an elongate carrier.

Third, Bacon does not disclose or teach anywhere in that one could or should place a discrete segment of a **retroreflective sheeting** on an elongate carrier.

Applicants believe that they have shown that the Bacon reference does not anticipate any of claims 1-4, 9-14, 22-28, 48-52 and 55-62. The rejection of these claims under 35 U.S.C. § 102(b) as being anticipated by Bacon has been overcome and should be withdrawn.

§ 103 Rejections

A. Claims 1-18, 21-28, 48-52 and 55-62. These claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bacon in view of U.S. Patent 3,936,567 (hereinafter Vesely).

Vesely is cited for the proposition that it relates to a retroreflective label that has a release liner to protect the adhesive surface. Applicants submit that this does not overcome the shortcomings of Bacon and that for this reason alone, the combination of Vesely with Bacon does not render the claims unpatentable under 35 U.S.C. 103(a).

Applicants further submit that even if Vesely were combined with Bacon, one would not get the invention claimed. Rather, one would get the same thing already taught by Bacon. That is, one would merely substitute the release liner of Vesely for the release liner of Bacon. One still would not have discrete segments of retroreflective sheeting on a carrier. One would only have cube corner segments on a release liner.

Based upon these comments, Applicants believe that they have shown that the rejection of claims 1-18, 21-28, 48-52 and 55-62 under 35 U.S.C. § 103(a) as being unpatentable over Bacon in view of Vesely has been overcome and should be withdrawn.

B. Claims 28-30. These claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon in view of U.S. Patent 4,085,314 (hereinafter Schultz).

Schultz is cited for the proposition that it would have been obvious to use the slit-containing cover carrier layer of Schultz in the invention of Bacon. Schultz fails to overcome the basic

failings of Bacon and even if combined with Bacon would not result in the claimed invention. What would result would be the same thing taught by Bacon except that the carrier of Bacon would now have slits in it. One still would not have discrete segments of retroreflective sheeting on a carrier. One would only have cube corner segments on a carrier that had slits in it.

Based upon these comments, Applicants believe that they have shown that the rejection of claims 28-30 under 35 U.S.C. § 103(a) as being unpatentable over Bacon in view of Schultz has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. Allowance of claims 1-30, 48-52 and 55-64 at an early date is solicited.

Respectfully submitted,

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The first mode of failure is illustrated in FIGS. 10A and 10B, and occurs when the bending of the canvas puts the first major surface of the segment in tension and initiates a crack in the first major surface. In FIG. 10A, the substrate 200 and segment 202 are flat. In Fig. 10B, substrate 200 has been bent, and cracks 204 in segment 202 are formed. Such cracking can occur after many flexes or as a brittle failure on a [singe] single flex. Proper choice of material flexibility for the intended use environment can avoid this failure mode.